

balance of the stomach, gallstones, kidney stones, bleeding ulcers, balancing the acids of the stomach, irritation of the stomach, tiredness, rundown condition, colds and other respiratory ailments, heart attacks, heart trouble, strokes, hardening of the arteries, and improper circulation of the blood, which were the diseases, symptoms, and conditions for which the article was held out by the defendant in the course of the above-mentioned sales talk.

**PLEA:** Guilty.

**DISPOSITION:** 9-4-59. The defendant was sentenced to the custody of the United States Marshal for one hour and fined \$100.

### DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

**5988. Methrodyne tablets.** (F.D.C. No. 42859. S. No. 47-822 P.)

**QUANTITY:** 84 ctns., 12 btl. each, and 9 btl., at Hartford, Conn.

**SHIPPED:** In 1952, from Newark, N.J., by Chase Chemical Co.

**LABEL IN PART:** (Btl.) "Metrodyne \* \* \* Anodyne-Antipyretic Distributed by Metro Products, Inc., Hartford, Connecticut \* \* \* Each tablet contains: Acetylsalicylic Acid 3 grains Acetophenetidin 2 grains Aluminum Hydroxide, Magnesium Carbonate present as buffer substances."

**RESULTS OF INVESTIGATION:** Examination showed that each tablet of the article contained 55 percent of the labeled amount of aspirin (acetylsalicylic acid) and the aspirin in the article was undergoing decomposition.

**LIBELED:** 3-12-59, Dist. Conn.

**CHARGE:** 501(c)—while held for sale, the quality of the article fell below that which it was represented to possess; and 502(a)—the label statement "Each Tablet Contains \* \* \* Acetylsalicylic Acid 3 grains" was false and misleading as applied to a product which contained less than 3 grains of aspirin; and 502(a)—when shipped, the label statement "To be dispensed only by or on the prescription of a physician" was false and misleading as applied to a product not restricted to prescription sale; and 502(e)(2)—the label of the article failed to bear the common or usual name of the active ingredient, aspirin.

**DISPOSITION:** 6-20-59. Default—destruction.

**5989. HOC Hangover capsules.** (F.D.C. No. 43307. S. No. 53-546 P.)

**QUANTITY:** 1 drum of 20,000 capsules, and 1,600 plastic boxes, 3 capsules each, at Los Angeles, Calif., in possession of HOC Laboratories, Inc.

**SHIPPED:** The article was shipped in bulk, between 5-5-59 and 5-20-59, from Inwood, Long Island, N.Y.

**LABEL IN PART:** (Drum insert label) "Kuvet Capsule Formula \* \* \* Each Capsule Contains: \* \* \* Yeast Protein Enzymatic Hydrolysate 2 gr. Alfalfa Lvs. Po. 2 gr. Vitamin B-1 (Thiamin Chloride) 1 mg. \* \* \* Vitamin B-2 (Riboflavin) 1.5 mg. \* \* \* Ascorbic Acid (as sodium ascorbate) 30 mg. Magnesium Trisilicate 3 gr. Chlorophyllins 5 mg."; (insert label of boxes) "A Product of HOC Laboratories, Inc., Los Angeles, Calif. HOC Hang-Over Capsules Directions and Ingredients: Each Capsule Contains: (a) Vitamin B<sub>1</sub> (Thiamine HCl) 100% minimum adult daily requirement Vitamin B<sub>2</sub> Riboflavin) 125% minimum adult daily requirement Vitamin C (Ascorbic Acid) 100% minimum adult daily requirement A scientific blended base of High Potency Yeast Protein Enzymatic Hydrolysate, Alfalfa and Chlorophyllins."

**ACCOMPANYING LABELING:** Display cards for retail packages bearing the words "H.O.C. Capsules Overindulgence," and a number of loose box labels.

**RESULTS OF INVESTIGATION:** The article in the boxes was repacked from bulk stock shipped as described above.

**LIBELED:** 7-22-59, S. Dist. Calif.

**CHARGE:** 501(c)—while held for sale, the strength of the article differed from that which it was represented to possess, namely, ascorbic acid (drum label) 30 milligrams, and (box label) 100% minimum daily requirement in each capsule; 502(a)—the label statements (bulk drum) "Each capsule contains \* \* \* ascorbic acid (as sodium ascorbate) 30 mg." and (box label) "Each capsule contains \* \* \* Vitamin C (ascorbic acid) 100% minimum daily requirement" were false and misleading as applied to a product which contained little if any ascorbic acid; and the box label of the article contained false and misleading representations that the article was adequate and effective to prevent and to stop hangover and to restore perfect balance to the system.

**DISPOSITION:** 9-16-59 and 9-22-59. Default—delivered to the Food and Drug Administration.

### **DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS**

#### **DRUGS FOR HUMAN USE**

**5990. Cernelle Pollen tablets.** (F.D.C. No. 42893. S. No. 40-252 P.)

**QUANTITY:** 210 100-tablet btls. at San Francisco, Calif.

**SHIPPED:** 8-29-58, from Winter Park, Fla., by Cernelle Pollen Co.

**LABEL IN PART:** (Btl.) "A Concentrated Food Cernelle Pollen Tablets Imported from Sweden Pure Special Treated Pollen High in Amino Acids, Natural Vitamins and Minerals \* \* \* 1-3 Tablets daily \* \* \* Cernelle Pollen Co. Winter Park, Florida"; (btl. top) "Cernelle Pollen Vegeholm Sweden."

**ACCOMPANYING LABELING:** Circulars entitled "Cernelle Pollen Tablets."

**LIBELED:** 3-24-59, N. Dist. Calif.

**CHARGE:** 502(a)—when shipped and while held for sale, the labeling accompanying the article contained false and misleading representations that the article was an adequate and effective treatment to maintain general well-being; to delay the arrival of old age and to keep the body young and virile; to prevent diseases; to purify the blood; and that the article was effective as a laxative and rejuvenator; to develop sound muscles, bones, blood and glands; to better body functions, to produce uncommon vitality; and to cure cancer.

The libel also charged that the article was misbranded under the provisions of the law applicable to foods as reported in notices of judgment on foods.

**DISPOSITION:** 5-5-59. Default—destruction.

**5991. Mill Rue tonic.** (F.D.C. No. 41641. S. No. 11-294 P.)

**QUANTITY:** 196 8-oz. btls. at Bluffton, Ind.

**SHIPPED:** On or about September, 1957, from Carlock, Ill., by Roy Paxton.

**LABEL IN PART:** "MILL RUE TONIC HEMATINIC STOMACHIC \* \* \* EACH FLUID OUNCE SUPPLIES \* \* \* MALLOW HERB \* \* \* 5.6 GM (60 GR.) FERRIC AMMONIUM CITRATE 4.95 GR. VITAMIN B<sub>1</sub> \* \* \* 5.69 MG VITAMIN B<sub>2</sub> \* \* \* 3.14 MG. NIACINAMIDE 6.0 MG."